



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,642	04/04/2006	Mikko Nevalainen	BKS.002.WUS	8247
76385 7590 01/07/2009 Hollingsworth & Funk, LLC 8009 34th Avenue South Suite 125 Minneapolis, MN 54425				
EXAMINER				
HUSSAIN, IMAD				
ART UNIT		PAPER NUMBER		
2451				
MAIL DATE		DELIVERY MODE		
01/07/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/561,642

**Applicant(s)**

NEVALAINEN, MIKKO

**Examiner**

IMAD HUSSAIN

**Art Unit**

2451

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8, 10, 12-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10, 12-20 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Applicant's submission dated 31 October 2008 has been received and made of record.
2. Claims 1, 3, 5, 10, 12, 13, 14, 15, 16 and 17 have been amended.
3. Claims 1-8, 10, 12-20 and 22 are pending in Application 10/561642.

### *Response to Arguments*

4. **Applicant's arguments, see pages 9-10, filed 31 October 2008, with respect to the rejection(s) of independent claim(s) 1, 5, 10, 15, and 17 and their dependent claims under 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Andrew B. Sutcliffe et al. (US 6052122 A, hereinafter *Sutcliffe*).**

Applicant states that the previously cited references do not teach or suggest that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user.*

Examiner agrees with Applicant's assertion. However, Sutcliffe teaches that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user* [Sutcliffe: Column 9 Lines 6-10 and 25-27].

**5. Applicant's arguments filed 31 October 2008 have been fully considered but they are not persuasive.**

Applicant argues that the combination of Demers and Varland does not teach or suggest "receiving a notification from a server that includes data to enable access of a user to a multiple access online application."

Examiner respectfully disagrees with Applicant's interpretation of the prior art. Varland states that "the clearinghouse unit can grant the service provider access to the details it needs in order to run the correct service application with the correct clients" [Varland: Page 3 (2) Lines 24-26] and that "the service providers may provide a whole range of services including, but not limited to, dating services, games and entertainment services, role playing games, fan clubs for artists and instant messaging services for member [sic] of buddy lists" [Varland: Page 4 (3) Lines 17-21]. Varland further states that the service provider sends initiation signals to the users [Varland: Claim 4]. It is implicit, if not inherent, that through such signals users are provided with the information necessary to access the aforementioned online applications.

Applicant argues that the combination of Demers and Varland is based on hindsight reasoning.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon

hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Specifically, Applicant argues that Demers is unrelated to profile matching, that Demers is directed to user devices disconnected from a larger system, and that "modifying Varland to use a mobile terminal as a server would render the location-based profile matching impossible."

It is well known in the art to provide location information to a server for match-making operations. Moreover, per MPEP 2144.04 II A, *Omission of an Element and Its Function Is Obvious if the Function of the Element Is Not Desired*.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 2, 5-8, 10, and 17 are rejected under 35 U.S.C. 103(a) as being anticipated by John Varland (WO 01/86997 A1, hereinafter *Varland*) in view of Alan**

**Demers et al. (*The Bayou Architecture*, hereinafter *Demers*) in further view of  
Andrew B. Sutcliffe et al. (US 6052122 A, hereinafter *Sutcliffe*).**

Regarding claim 1, Varland discloses a *method comprising:*

*-receiving a preference profile including identification data and preference data related to at least another user, from a mobile terminal related to said at least one other user [Varland: Page 3 (2) Lines 1-2 and 9-14];*

*-saving said received identification data and said received preference data in a user database, said user database containing preference data of at least a third other user [Varland: Page 7 (6) Lines 19-23];*

*-comparing said received preference data with the preference data contained in the user database for determining users of substantially matching preference data [Varland: Page 3 (2) Lines 14-19];*

*-determining a plurality of users having said substantially matching preference data [Varland: Page 3 (2) Lines 14-19]; and*

*-sending a notification to each of said mobile terminals related to said determined users [Varland: Page 3 (2) Lines 14-22].*

Varland does not explicitly disclose that the receipt of information occurs *in a mobile terminal device related to a user* or that the comparing, determining, and receiving steps occur *in the mobile terminal device which received the preference profile*.

However, Demers teaches that such occurs *in a mobile terminal device related to a user* [Demers: Page 3 Column 1 Paragraph 1].

Varland and Demers are analogous art in the same field of endeavor as both describe mobile communications systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the mobility scheme of Demers for providing the services of a database server via mobile devices in the matching system of Varland. One of ordinary skill in the art would have been motivated to modify the matching system of Varland with the mobility scheme of Demers because in doing so, the system would allow for users to share information without being tied to a non-mobile server [Demers: Page 1 Column 2 Paragraph 1].

The combination of Varland and Demers (hereinafter *Varland-Demers*) does not explicitly disclose that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user*.

However, Sutcliffe teaches that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user* [Sutcliffe: Column 9 Lines 6-10 and 25-27].

Varland-Demers and Sutcliffe are analogous art in the same field of endeavor as both describe matching services. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the user-defined degree of Sutcliffe for selecting the range and degree of required matching in the matching system of Varland-Demers. One of ordinary skill in the art would have been motivated to modify the matching system of Varland-Demers with the user-defined degree of Demers

because in doing so, the system would allow for users to more finely tune matching requirements.

Regarding claim 2, the combination of Varland-Demers and Sutcliffe (hereinafter *Varland-Demers-Sutcliffe*) discloses *granting to each of said notified users an access to said multiple access online application* [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Regarding claim 5, Varland teaches a *method comprising:*

*-sending a preference profile including identification data and preference data of a user to a server connected to a wireless communication network, via said network* [Varland: Page 3 (2) Lines 1-2 and 9-14], *wherein the server is a device with access to a multiple access online application* [Varland: Page 3 (2) Lines 23-26];

*-receiving, in the server, the preference profile from a mobile terminal related to the user* [Varland: Page 3 (2) Lines 1-2 and 9-14];

*-saving said received identification data and said received preference data in a user database, said user database containing preference data of at least a third other user* [Varland: Page 7 (6) Lines 19-23];

*-comparing said received preference data with the preference data contained in the user database for determining users of substantially matching preference data* [Varland: Page 3 (2) Lines 14-19];

*-determining a plurality of users having said substantially matching preference data* [Varland: Page 3 (2) Lines 14-19]; *and*



*-sending a notification to each of the mobile terminals related to said determined users [Varland: Page 3 (2) Lines 14-22]; and*

*-receiving the notification in the mobile terminal related to the user, said notification comprising an offer to get access to said multiple access online application [Varland: Page 3 (2) Lines 23-26] according to said preference data, wherein said notification comprises data to enable an access of the user to said multiple access online application [Varland: Claim 4 and Page 4 (3) Lines 10-21].*

Varland does not explicitly disclose that *the server is a mobile terminal device and related to another user* or that the comparing, determining, and receiving steps occur *in the mobile terminal device which received the preference profile*.

However, Demers teaches that *the server is a mobile terminal device and related to another user* [Demers: Page 3 Column 1 Paragraph 1] and that such steps would occur *in the mobile terminal device which received the preference profile* [Demers: Page 2 Column 2 Paragraph 1].

Varland-Demers does not explicitly disclose that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user*.

However, Sutcliffe teaches that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user* [Sutcliffe: Column 9 Lines 6-10 and 25-27].

Varland-Demers and Sutcliffe are analogous art in the same field of endeavor as both describe matching services. It would have been obvious for one of ordinary skill in

the art at the time the invention was made to utilize the user-defined degree of Sutcliffe for selecting the range and degree of required matching in the matching system of Varland-Demers. One of ordinary skill in the art would have been motivated to modify the matching system of Varland-Demers with the user-defined degree of Demers because in doing so, the system would allow for users to more finely tune matching requirements.

Regarding claim 6, Varland-Demers discloses that *said wireless communication network is a cellular telephone network* [Varland: Page 5 (4) Lines 35-37].

Regarding claim 7, Varland-Demers discloses that *said notification is a short message or a multimedia message* [Varland: Page 11 (10) Lines 32-34].

Regarding claim 8, Varland-Demers discloses that *said multiple access online application is a wireless communication network game* [Varland: Page 15 (14) Lines 15-22].

Regarding claim 10, Varland teaches *a computer-readable storage medium storing a computer program and when said computer program is run on a server, the server:*

*-receives a preference profile including identification data and preference data related to at least another one of said users, from a mobile terminal related to said at least one other user* [Varland: Page 3 (2) Lines 1-2 and 9-14];

*-saves said received identification data and said received preference data in a user database, said user database containing preference data of at least a third other user* [Varland: Page 7 (6) Lines 19-23];

*-compares said received preference data with the preference data contained in the user database for determining users of substantially matching preference data* [Varland: Page 3 (2) Lines 14-19];

*-determines a plurality of users having said substantially matching preference data* [Varland: Page 3 (2) Lines 14-19]; *and*

*-sends a notification to each of said mobile terminals related to said determined users* [Varland: Page 3 (2) Lines 14-22].

Varland does not explicitly disclose that *the server is a mobile terminal device and related to a user*.

However, Demers teaches that *the server is a mobile terminal device related to a user* [Demers: Page 3 Column 1 Paragraph 1].

Varland-Demers does not explicitly disclose that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user*.

However, Sutcliffe teaches that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user* [Sutcliffe: Column 9 Lines 6-10 and 25-27].

Varland-Demers and Sutcliffe are analogous art in the same field of endeavor as both describe matching services. It would have been obvious for one of ordinary skill in

the art at the time the invention was made to utilize the user-defined degree of Sutcliffe for selecting the range and degree of required matching in the matching system of Varland-Demers. One of ordinary skill in the art would have been motivated to modify the matching system of Varland-Demers with the user-defined degree of Demers because in doing so, the system would allow for users to more finely tune matching requirements.

Regarding claim 17, Varland discloses *a network system comprising:*

- *a wireless communication network* [Varland: Page 2 (1) Line 30];
- *a server having access to the multiple access online application* [Varland: Page 3 (2) Lines 23-26] *and connected to the wireless communication network* [Varland: Page 2 (1) Line 30] *configured to receive identification and preference data for the other users of respective mobile terminal devices in preference profiles* [Varland: Page 3 (2) Lines 1-2 and 9-14], *compare the received preference profiles with stored preference profiles to determine users of substantially matching preference data* [Varland: Figure 1 ("Match DB")] *and send a notification to each of the users determined to have substantially matching preference data* [Varland: Claim 1 ("notification signal")]; *and*
- *a plurality of mobile terminal devices each storing identification and preference data for a respective user of each of the plurality of mobile terminal devices in a preference profile* [Varland: Page 3 (2) Lines 1-4 and 9-14], *each device configured to transmit a respective preference profile to the server* [Varland: Page 3 (2) Lines 1-4 and 9-14] *and receive a notification from the server* [Varland: Page 3 (2) Lines 1-4 and 9-14]

*via the wireless communication network [Varland: Page 2 (1) Line 30] wherein the notification includes an offer to get access to the multiple access online application according to the preference data and data to enable the respective users to access the multiple access online application [Varland: Claim 4 and Page 4 (3) Lines 10-21].*

Varland does not explicitly disclose that *the server is a mobile terminal device related to a user.*

However, Demers teaches that *the server is a mobile terminal device related to a user [Demers: Page 3 Column 1 Paragraph 1].*

Varland and Demers are analogous art in the same field of endeavor as both describe mobile communications systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the mobility scheme of Demers for providing the services of a database server via mobile devices in the matching system of Varland. One of ordinary skill in the art would have been motivated to modify the matching system of Varland with the mobility scheme of Demers because in doing so, the system would allow for users to share information without being tied to a non-mobile server [Demers: Page 1 Column 2 Paragraph 1].

Varland-Demers does not explicitly disclose that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user.*

However, Sutcliffe teaches that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user [Sutcliffe: Column 9 Lines 6-10 and 25-27].*

Varland-Demers and Sutcliffe are analogous art in the same field of endeavor as both describe matching services. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the user-defined degree of Sutcliffe for selecting the range and degree of required matching in the matching system of Varland-Demers. One of ordinary skill in the art would have been motivated to modify the matching system of Varland-Demers with the user-defined degree of Demers because in doing so, the system would allow for users to more finely tune matching requirements.

**8. Claims 3-4, 18-20 and 22 are rejected under 35 U.S.C. 103(a) as being anticipated by Varland in view of Demers.**

Regarding claim 3, Varland discloses a *method comprising:*

*-sending a preference profile including identification data and preference data of a user to a server connected to a wireless communication network, via said network [Varland: Page 3 (2) Lines 1-4 and 9-14] with access to a multiple access online application [Varland: Page 3 (2) Lines 23-26]; and*

*-receiving a notification from said server, said notification comprising an offer to get access to said multiple access online application according to said preference data, wherein said notification comprises data to enable an access of said user to said multiple access online application [Varland: Claim 4 and Page 4 (3) Lines 10-21].*

Varland does not explicitly disclose that *the server is a mobile terminal device and related to another user*.

However, Demers teaches that *the server is a mobile terminal device and related to another user* [Demers: Page 3 Column 1 Paragraph 1].

Varland and Demers are analogous art in the same field of endeavor as both describe mobile communications systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the mobility scheme of Demers for providing the services of a database server via mobile devices in the matching system of Varland. One of ordinary skill in the art would have been motivated to modify the matching system of Varland with the mobility scheme of Demers because in doing so, the system would allow for users to share information without being tied to a non-mobile server [Demers: Page 1 Column 2 Paragraph 1].

Regarding claim 4, the combination of Varland and Demers teaches *accessing said application according to said received data to enable an access of said user to said multiple access online application* [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Regarding claim 18, Varland-Demers discloses that *said wireless communication network is a cellular telephone network* [Varland: Page 5 (4) Lines 35-37].

Regarding claim 19, Varland-Demers discloses that *said notification is a short message or a multimedia message* [Varland: Page 11 (10) Lines 32-34].

Regarding claim 20, Varland-Demers discloses that *said multiple access online application is a wireless communication network game* [Varland: Page 15 (14) Lines 15-22].

Regarding claim 22, Varland discloses a *computer-readable storage medium storing a computer program and when said computer program is run on a computer or network device, the computer or network device:*

*-sends a preference profile including identification data and preference data of said user to a server connected to said wireless communication network, via said network* [Varland: Page 3 (2) Lines 1-4 and 9-14] *with access to a multiple access online application* [Varland: Page 3 (2) Lines 23-26]; *and*

*-receives a notification from said server, said notification comprising an offer to get access to said multiple access online application according to said preference data, wherein said notification comprises data to enable an access of said user to said multiple access online application* [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Varland does not explicitly disclose that *the server is a mobile terminal device and related to another of said users*.

However, Demers teaches that *the server is a mobile terminal device and related to another of said users* [Demers: Page 3 Column 1 Paragraph 1].

Varland and Demers are analogous art in the same field of endeavor as both describe mobile communications systems. It would have been obvious for one of



ordinary skill in the art at the time the invention was made to utilize the mobility scheme of Demers for providing the services of a database server via mobile devices in the matching system of Varland. One of ordinary skill in the art would have been motivated to modify the matching system of Varland with the mobility scheme of Demers because in doing so, the system would allow for users to share information without being tied to a non-mobile server [Demers: Page 1 Column 2 Paragraph 1].

**9. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varland in view of Demers in further view of William F. Zanchi (US 5630159 A, hereinafter *Zanchi*).**

Regarding claim 12, Varland discloses a *device* wherein said device is *configured to send a preference profile including identification data and preference data of said user via said interface and via said network to a server and configured to receive a notification from said server* [Varland: Page 3 (2) Lines 1-4 and 9-14], *wherein the server has access to a multiple access online application* [Varland: Page 3 (2) Lines 23-26], *said notification comprising an offer to get access to said multiple access online application according to said preference data, wherein said notification comprises data to enable an access of said user to said multiple access online application* [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Varland does not explicitly disclose that *the server is a second mobile terminal device related to another of said users*.

However, Demers teaches that *the server is a second mobile terminal device related to another of said users* [Demers: Page 3 Column 1 Paragraph 1].

Varland and Demers are analogous art in the same field of endeavor as both describe mobile communications systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the mobility scheme of Demers for providing the services of a database server via mobile devices in the matching system of Varland. One of ordinary skill in the art would have been motivated to modify the matching system of Varland with the mobility scheme of Demers because in doing so, the system would allow for users to share information without being tied to a non-mobile server [Demers: Page 1 Column 2 Paragraph 1].

The combination of Varland and Demers does not explicitly disclose that the terminal comprises:

*-an interface to a wireless communication network for exchanging data with at least one server connected to said wireless communication network;*

*-a database to store identification data and preference data of a user of said terminal device; and*

*-a processor connected to said interface and said database.*

However, Zanchó teaches such an interface [Zanchó: Claim 6 ("port couples... by a wireless connection")], such a database [Zanchó: Claim 1 ("session preference memory... storing preferences")], and such a processor [Zanchó: Claim 1 ("controller")].

Varland-Demers and Zanchó are analogous art in the same field of endeavor, as both cover matching of user profiles in a networked environment. It would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify the matching system of Varland-Demers with the memory card and hardware scheme of Zanchi for implementation of a cellular telephone and server because in doing so the matching system of Varland-Demers would allow for users to transfer profiles seamlessly from one device to another [Zanchi: Column 2 Lines 37-38 and 46-48].

Regarding claim 13, Varland-Demers-Zanchi teaches that *said processor is further configured to access a multiple access online application via a wireless communication network, in accordance with said received data to enable said access of said multiple access online application* [Varland: Claim 4 and Page 4 (3) Lines 10-21].

Regarding claim 14, Varland-Demers-Zanchi discloses *an interface for connecting an exchangeable memory device* [Zanchi: Figure 1 and Column 2 Lines 49-51].

**10. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Varland in view of Demers in view of Sutcliffe in further view of Taniguchi et al. (US 2002/0013869 A1, hereinafter *Taniguchi*).**

Regarding claim 15, Varland teaches *a terminal operating as a server comprising:*

*-a database to store data received from said terminal devices* [Varland: Figure 1 ("Client DB" and "Position DB")];

*-means for comparing said received preference data with preference data of at least a third other user for determining users of substantially matching preference data [Varland: Figure 1 ("Match DB")]; and*

*-means for sending a notification to each of said mobile terminals related to said determined users [Varland: Claim 1 ("notification signal")]*

*-wherein said interface is adapted to receive a preference profile including identification data and preference data from at least one other mobile terminal [Varland: Page 3 (2) Lines 1-2 and 9-14], and said database is adapted to store said preference profile [Varland: Figure 1 ("Client DB" and "Position DB")].*

Varland does not explicitly disclose that *the server is a terminal device related to a user.*

However, Demers teaches that *the server is a terminal device related to a user* [Demers: Page 3 Column 1 Paragraph 1].

Varland and Demers are analogous art in the same field of endeavor as both describe mobile communications systems. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the mobility scheme of Demers for providing the services of a database server via mobile devices in the matching system of Varland. One of ordinary skill in the art would have been motivated to modify the matching system of Varland with the mobility scheme of Demers because in doing so, the system would allow for users to share information without being tied to a non-mobile server [Demers: Page 1 Column 2 Paragraph 1].

Varland-Demers does not explicitly disclose that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user.*

However, Sutcliffe teaches that *the comparison is based on a user-defined degree of non-matching preference data included in the preference data related to the user* [Sutcliffe: Column 9 Lines 6-10 and 25-27].

Varland-Demers and Sutcliffe are analogous art in the same field of endeavor as both describe matching services. It would have been obvious for one of ordinary skill in the art at the time the invention was made to utilize the user-defined degree of Sutcliffe for selecting the range and degree of required matching in the matching system of Varland-Demers. One of ordinary skill in the art would have been motivated to modify the matching system of Varland-Demers with the user-defined degree of Demers because in doing so, the system would allow for users to more finely tune matching requirements.

Varland-Demers-Sutcliffe does not explicitly disclose:

*-an interface to a wireless communication network for exchanging data with terminal devices connected to said wireless communication network;*

*-and a processor being connected to said interface and said database to process data;*

However, Taniguchi discloses such an interface [Taniguchi: Paragraph 0121] and such a processor [Taniguchi: Paragraph 0121].

Varland-Demers-Sutcliffe and Taniguchi are analogous art in the same field of endeavor, as both cover client-server communication on a wireless network. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the matching system of Varland-Demers-Sutcliffe with the server components of Taniguchi for implementation of a cellular telephone and server because in doing so the matching system of Varland-Demers-Sutcliffe would allow for a physical implementation of the system.

Regarding claim 16, the combination of Varland-Demers-Sutcliffe and Taniguchi (hereinafter *Varland-Demers-Sutcliffe-Taniguchi*) discloses that *said notification is a short message or a multimedia message* [Varland: Page 11 (10) Lines 32-34].

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IMAD HUSSAIN whose telephone number is (571) 270-3628. The examiner can normally be reached on Monday through Friday from 0800 to 1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/IH/  
Imad Hussain  
Examiner, Art Unit 2451  
/Salad Abdullahi/  
Primary Examiner, Art Unit 2457